

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

FLORENTINO RUIDIAZ, JR.,

Defendant

)
)
)
)
)
)
)
)
)
)

CRIMINAL NO. 05-10214-MLW

JOINT STATUS MEMORANDUM RE: INITIAL STATUS CONFERENCE

Pursuant to the Court's Order dated September 26, 2005, the United States of America and Defendant, Florentino Ruidiaz, Jr., by their undersigned counsel, respectfully submit the following status report regarding the above-captioned matter:

A. Local Rule 116.5(A)(1)

Whether relief should be granted from the otherwise applicable timing requirements imposed by Local Rule 116.3

The United States produced discovery material on October 21, 2005, and anticipates obtaining limited, additional information which it will make available to Defendant. Defendant requests 30-days relief from the applicable timing requirements of Local Rule 116.3 to provide counsel sufficient time to review discovery materials with Defendant, who has been detained. The United States has no objection to Defendant's request. To the extent Defendant is afforded relief from the timing requirements, the United States requests similar relief.

B. Local Rule 116.5(A)(2)

Whether the defendant requests discovery concerning expert witnesses under Fed. R. Crim. P. 16(a)(1)(G). If the defendant requests the disclosure required by Fed. R. Crim. P. 16(a)(1)(G), what date should be established for response by the government and what date should be established for reciprocal discovery from the defendant concerning expert witnesses required under Fed. R. Crim. P. 16(b)(1)(C).

No expert discovery is requested at this time. Defendant reserves the right to request discovery concerning expert witnesses under Fed. R. Crim. P. 16(a) if it is determined that a trial or any other hearing will be necessary where the United States will present expert witnesses. If expert discovery is requested, the United States reserves the right to request reciprocal discovery.

C. Local Rule 116.5(A)(3)

Whether a party anticipates providing additional discovery as a result of its future receipt of information, documents, or reports of examinations or tests.

The United States expects limited, additional discovery based upon future receipt of information. Both the United States and Defendant understand that they have an ongoing and continuing duty to produce discovery.

D. Local Rule 116.5(A)(4)

Whether a motion date should be established under Fed. R. Crim. P. 12(c).

The parties agree that a motion date should be established under Rule 12(c), but request, for the reasons stated in paragraph 1 above, that it be set for a period of time in excess of 30 days from today's date.

F. Local Rule 116.5(A)(5)

What periods of excludable delay should be ordered under the Speedy Trial Act at the time of the conference.

Defendant was arraigned on September 26, 2005. On that date, this Court entered an order holding that the time period from September 26, 2005, through and including October 24, 2005, is a period of excludable delay. The parties request that the Court order that the period between November 8, 2005, and the next status conference be excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A), in that ends of justice served by granting Defendant's request for a continuance is necessary for effective preparation and outweighs the best interests of the public and the defendant in a speedy trial.

G. Local Rule 116.5(A)(6)

Whether a trial is anticipated and, if so, its anticipated length.

The parties agree that it is too early to determine whether a trial will be necessary. If a trial is necessary, the United States estimates that it would last approximately three days.

H. Local Rule 116.5(A)(7)

What date should be established for the Final Status Conference and/or any Interim Status Conference.

The parties request a Final Status Conference be set in December 2005.

Respectfully submitted,

FLORENTINO RUIDIAZ, JR.

MICHAEL J. SULLIVAN
United States Attorney

By his attorney,

By: /s/ James E. Arnold
James E. Arnold
Assistant U.S. Attorney
One Courthouse Way
Suite 9200
Boston, MA 02210
(617) 748-3603

/s/ Melvin Norris
Melvin Norris, Esq.
260 Boston Post Road
Wayland, MA 01778
(508) 358-3305

Date: November 3, 2005